

REMARKS

In light of the Office Action, Applicants herein have amended claims 17, 18 and 19, cancelled claim 20, and added new claim 21 to more fully define the present invention. No new matter has been added. Support for the amendments to claims 17 and 18 can be found on page 4, lines 4-5 of the Specification. Support for the amendments for claim 19 and new claim 21 can be found on page 11, lines 14-18 of the Specification. New claim 21 defines the present invention in a manner that Applicants believe is now properly grouped, according to the Examiners delineation, in Group III.

Applicants note that a Restriction Requirement has been made among:

- (A) Group I for claims 1-16 drawn to a method to decontaminate a composition contaminated with biological spores, classified under Class 435, subclass 602 or 613;
- (B) Group II for claims 17-18 drawn to a composition to germinated spores classified under Class 435, subclass 244;
- (C) Group III for claim 19 drawn to a decontaminated surface, classified under Class 435, subclass 832; and,
- (D) Group IV for claim 20 drawn to a method to decontaminate a chemi-biological agent, classified under Class 435, subclass 800.

In response to this Restriction Requirement, Applicants provisionally elect Group I, claims 1-16 with traverse. Applicants note for the record that Applicants were unable to locate Class 435, subclass 603 or 613 in the current Manual of Patent Classification. Applicants reserve the right to

file a Divisional Application at the appropriate time directed to Group II and/or Group III.

In light of the cancellation of claim 20, and addition of new claim 21, Applicants believe the Restriction Requirement with regard to Group IV is now moot.

With regard to Group II, Applicants have amended claims 17 and 18 which require "a spore germination composition" and "a decontaminating solution effective to kill the germinated spores". As such Applicants now believe that the composition of Group II is not distinct from the method of Group I that requires contact and application of components substantially identical to the elements of the claims in Group II; the process as claimed can not be practiced with another materially different product, such as commercially available disinfectants or enzymatic lysis. In light of the amended claims 17 and 18, Applicants request reconsideration and withdrawal of the Restriction Requirement between Group I and Group II.

With regard to Group III, the Examiner has stated that Group III and Group I are distinct due to the method to decontaminate a composition is applicable to decontaminate any matter that is contaminated with any biological spore and the composition claimed in invention of Group II may also be obtained by a variety of methods, e.g., irradiating the surface with a very low, yet effective dosage of an ionizing radiation (see Office Action, dated 05/19/2003, page 3). In light of the presently amended claim 19 and new claim 21, Applicants now believe that the claims of Group I and Group III are not distinct, and that the Restriction Requirement is moot. The claims of Group I require "contacting the contamination of a contaminated surface" with a methodology of "a spore germination composition comprising dipicolinic acid and calcium ions" and "applying a decontaminating solution to kill the germinated spores". Amended claim 19 and new claim 21, as

claimed, require steps to obtain the decontaminated spore product to include "contacting contaminant spores with a spore germination composition comprising dipicolinic acid and calcium ions" and "applying a decontaminating solution". The product of claim 19 is the result of the method of claim 1. With regard to Group II and Group III, Applicants believe that amended claim 19 and new claim 21 now render this restriction moot. Presently presented claims 19 and 21, as claimed, require steps to obtain the decontaminated spore product to include "contacting contaminant spores with a spore germination composition comprising dipicolinic acid and calcium ions" and "applying a decontaminating solution", which substantially encompasses the limitations of the claims in Group II.


Applicants have traversed the Restriction Requirement among Group I, Group II and Group III. In the second paragraph of M.P.E.P. § 803, it is stated that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions". It is noted that the claims, as amended, although directed to a method to decontaminate a composition, decontaminating composition, and decontaminated spore product, substantially encompass the same limitations and will require searches of co-extensive subject matter which will be duplicative. Therefore, it is respectfully submitted that there will be no serious burden on the Examiner if all Groups I, II and III were examined simultaneously. Additionally, it is submitted that by examining all Groups I, II and III at the same time, that Applicants may avoid additional fees for filing separate applications and payment of separate maintenance fees.

Accordingly, Applicants' request for reconsideration and withdrawal of the Restriction

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Requirement among Groups I, II and III. The Examiner is invited to contact the attorney of record, listed below, with any questions or other matters to advance the present application.

Respectfully submitted,


Matthew J. Bussan, Esquire
Registration No. 33,614

Dept. Of the Navy
NSWCDD (Code XDC1)
17320 Dahlgren road
Dahlgren, VA 22448-5100
Telephone: 540-653-8061
Facsimile: 540-653-8879